

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

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|-----------------------------------|---|----------------------------|
| MICHAEL L. BREWER, |) | |
| |) | |
| PLAINTIFF |) | |
| |) | |
| v. |) | CIVIL No. 04-66-P-H |
| |) | |
| ALFRED C. FRAWLEY, ET AL., |) | |
| |) | |
| DEFENDANTS |) | |

ORDER

On July 1, 2003, I put Michael L. Brewer, acting *pro se*, on notice in MDL Docket No. 1361, In re Compact Disc Minimum Advertised Price Antitrust Litigation, that filing restrictions might be in the offing for frivolous litigation. In that Order, I listed his previous filings. Now he has filed this “Complaint for Conversion” as a separate lawsuit. The “conversion” complaint turns into allegations of “character assassination” and is directed against lawyers. Mr. Brewer is unhappy with how they settled the multidistrict antitrust class action lawsuit over music CD pricing. This new lawsuit is frivolous on its face and today I have dismissed it.

I hereby find that Michael L. Brewer is a vexatious litigant who has abused his right to access to this Court by continuing to pursue groundless litigation. “A part of the Court’s responsibility is to see that [the Court’s limited] resources are allocated in a way that promotes the interest of justice. The continual processing of petitioner’s frivolous [filings] does not promote that

end.” In re McDonald, 489 U.S. 180, 184 (1989). An injunction is therefore appropriate under 28 U.S.C. § 1651(a) which gives courts authority to prohibit the filing of frivolous and vexatious lawsuits. Castro v. United States, 775 F.2d 399, 408 (1st Cir. 1985).

NOW THEREFORE:

Michael L. Brewer is henceforth **ENJOINED** from making further filings concerning the music CD lawsuit and its settlement or commencing any new lawsuit on that subject in the United States District Court for the District of Maine without prior leave of Court. The Clerk of this Court is directed to refuse to receive, file, or docket, without a prior order of this Court, any such paper submitted by or on behalf of Mr. Brewer (other than a timely notice of appeal from this Order to the United States Court of Appeals for the First Circuit).

The United States Marshal is directed to personally serve an attested copy of this Order upon Mr. Brewer forthwith.

SO ORDERED.

DATED THIS 27TH DAY OF MAY, 2004

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**U.S. DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CIVIL DOCKET FOR CASE #: 2:04CV66**

Plaintiff

Michael L. Brewer

Michael L. Brewer, Pro Se
EF-311943 DOC#705156
Georgia State Prison
100 Highway 147
Reidsville, GA 30499-9701

v.

Defendants

Alfred C. Frawley

Preti Flaherty Beliveau Pachios
& Haley LLC

Matthew Potter

William J. Kayatta, Jr.

Capitol Records d/b/a EMI

Interested Parties

Private Plaintiffs

Represented By Alfred C. Frawley, III
Gregory Paul Hansel
Preti, Flaherty, Beliveau, Pachios &
Haley, LLC
P.O. Box 9546
Portland, ME 04112-9546
(207) 791-3000
email: afrawley@preti.com
email: ghansel@preti.com

Joseph C. Kohn
Steven M. Steingard
Kohn, Swift & Graf, PC
One South Broad Street, Suite 2100
Philadelphia, PA 19107
(215) 238-1700

State Plaintiffs

Represented By Eliot Spitzer
Linda Gargiulo
Emily Granrud
Office of Attorney General of New York
120 Broadway, Suite 26-01
New York, NY 10271
(212) 416-8282

Charles J. Crist, Jr.
Lizabeth A. Leeds
Patricia A. Conners
Florida Attorney General
Pl-01, The Capitol
Tallahassee, FL 32399-1050
(850) 414-3600

E. Steven Rowe
Francis E. Ackerman
Office of the Attorney General
State House Station 6
Augusta, ME 04333-0006
(207) 626-8800
email:
francis.ackerman@maine.gov